

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1-22 are pending in the present application. Claim 17 has been amended. These amendments are believed not to introduce new matter and their entry is respectfully requested. After entry of the amendments, Applicant respectfully requests the Examiner reconsider and withdraw the rejection to claims 1-22.

Paragraph 2 of the Office Action rejects claims 1, 7, 12, 17 and 19 under 35 U.S.C. § 103(a) as allegedly being unpatentable over the combination of U.S. Patent No. 6,362,730 to Razavi ("Razavi") in view of U.S. Patent No. 5,945,919 to Trask ("Trask"). Applicants respectfully traverse the rejection with respect to claims 1, 7 and 12. Applicants have amended claim 17 to overcome the rejection.

Razavi is directed to a system and method for collecting vehicle information from an automobile configured to have its own network. Communication with the in-car network can be performed through a variety of devices, each having its own IP address. Vehicle information from the in-car network is provided to a receiver external to the vehicle. In this manner, the in-vehicle network can be viewed as a sub-network of an external network.

Trask describes a system for dispatching vehicles in an efficient manner to customers requesting service by the vehicles without using a human dispatcher. For example, taxi cabs can be dispatched using location information regarding the taxis and location information related to

customers desiring taxi cab service. Communication with the vehicles is described using one, but not more than one, of a number of communication protocols.

As admitted in the Office Action, Razavi does not teach or suggest the "selection means" recited in claims 1 and 7 or the "determining" step recited in claims 12 or 17. Trask does not teach such selection means or determining step either. Trask merely discloses that one of a number of different protocols can be used. Nowhere does Trask mention that more than one of these protocols can be used in any given implementation of his system. As a result, there is no reason for a selection means or determining step as recited in claims in the system disclosed in Trask. Consequently, the combination of Razavi and Trask cannot disclose this element of Applicants invention.

Moreover, even assuming *arguendo* that the asserted combination does teach or suggest the recited selection means and determining step, Applicants respectfully submit that nowhere, does the combination teach that the selection or determination is made according to a priority. Razavi discloses multiple communications devices, each provided with its own independent IP address. As a result, those communication devices can communicate without having to be assigned a priority for their communication. Trask does not teach or suggest that the various protocols can be used with one another. Thus, Trask has no need for selection or determination, let alone, selection or determination according to a priority. Consequently, neither Razavi nor Trask, whether taken alone or in combination teach or suggest selection or determination as recited in claim 1, 7, 12 and 17. Accordingly, Applicants respectfully request that the Examiner

Serial No.: 09/988,304
Art Unit: 3663

Attorney's Docket No.: BS01-128
Page 5

reconsider and withdraw the rejection with respect to claims 1, 7, 12 and 17 and their respective dependent claims, claims 2-6, 8-11, 13-16 and 18-22 respectively.

In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicants' undersigned representative at the number listed below.

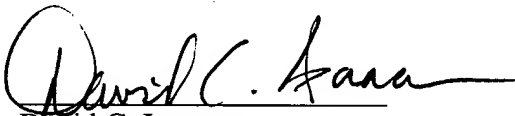
SHAW PITTMAN LLP
1650 Tysons Boulevard
McLean, VA 22102
Tel: 703/770-7900

Respectfully submitted,

TIMKO et al.

Date: March 11, 2003

By:


David C. Isaacson
Registration No. 38,500

Attachments: Amended Claims w/ Markings

DCI/ca



28970

PATENT TRADEMARK OFFICE

VERSION WITH MARKINGS TO SHOW CHANGES MADE TO CLAIMS

17. (Amended) A method for managing a fleet of vehicles, comprising [the steps of]:
- placing an in-vehicle control using in every vehicle in the fleet of vehicles, wherein at least one of the in-vehicle control units is a multi-mode in-vehicle control unit;
 - collecting vehicle data for each vehicle in the fleet;
 - determining whether to sent the collected vehicle data over a first transmission network or a second transmission network according to a priority;
 - transmitting the vehicle data to a processing center using the determined first or second transmission network; and
 - analyzing the vehicle data to generate routing schedules to route the vehicles in the fleet.